

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

SUK PAK INDIVIDUALLY  
AND AS NEXT FRIEND OF  
JAYDEN JUNG, a minor child  
*Plaintiffs,*

V.

ROBERTO DEULOFEU ALVAREZ  
AND KGX TRANSPORT, LLC  
*Defendants.*

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CIVIL ACTION NO. 5:21-cv-184

JURY

**PLAINTIFFS' ORIGINAL COMPLAINT**

**COME NOW**, SUK PAK INDIVIDUALLY AND AS NEXT FRIEND OF JAYDEN JUNG, a minor child, Plaintiffs, and complain of ROBERTO DEULOFEU ALVAREZ (“Deulofeu”) and KGX TRANSPORT, LLC (“KGX”), Defendants, and for cause of action states:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction of this cause based upon diversity of the parties, as provided by 28 U.S.C. 1332, in that it is between citizens of different States and the amount in controversy exceeds \$75,000. Venue is proper in the United States District Court for the Western District of Texas, as a substantial part of the events giving rise to the claim occurred in the Western District of Texas; 28 U.S.C. 1391(b)(2).

**PARTIES**

2. Plaintiff, Suk Pak and Jayden Jung are citizens of the State of Texas and resides in Bexar County, Texas.

3. Defendant, KGX Transport, LLC is a for profit limited liability company with its principle place of business in Maricopa County, Peoria, AZ. KGX may be served with citation by serving its registered agent for process, Roberto Alvarez Deulofeu at his address of 3751 W Palmaire Ave, Phoenix, AZ 85051 or where ever else he may be found.

4. Defendant Roberto Alvarez Deulofeu is an individual residing in Maricopa County, Phoenix, AZ and may be served with citation by serving him at 3751 W Palmaire Ave, Phoenix, AZ 85051 or where ever else he may be found.

### **FACTUAL ALLEGATIONS**

5. On or about August 02, 2019, Plaintiff Suk Pak along with her minor child Jayden Jung were travelling on IH 10 WB access road approaching the intersection of Camp Bullis Road in San Antonio, Bexar County, Texas. Defendant DEULOFEU, driving his tractor-trailer combination also westbound on IH-10 access road in a turn-only lane. Defendant DEULOFEU proceeded forward in the intersection disregarding the left-turn only markings while Plaintiff was making a left turn struck causing a collision with Plaintiff's vehicle. Plaintiffs sustained injuries and damages and seek compensation for same through this lawsuit.

### **CAUSE OF ACTION – NEGLIGENCE ACTS AND OMISSIONS OF DEFENDANT ROBERTO ALVAREZ DEULOFEU**

6. At the time of the collision in question Defendant DEULOFEU failed to use ordinary care by various acts and omissions, including, but not limited to, failing to maintain a proper lookout, failing to adhere to traffic signs, signals, and markings, failing to maintain his lane, failing to properly and timely apply his brakes, failing to keep an assured clear distance, operating his vehicle at an unsafe speed under the circumstances, failing to drive within a single

lane and changing lanes when unsafe, and other acts and omissions, each and all of which were negligent and a proximate cause of occurrence and of the injuries and damages to Plaintiffs.

### **RESPONDEAT SUPERIOR**

7. At the time of the collision, Defendant DEULOFEU was an employee, agent, or representative of Defendant KGX and was acting in the course and scope of his employment with Defendant KGX, which is therefore liable for the negligence of Defendant DEULOFEU.

### **DAMAGES**

8. Plaintiffs' damages include one or more of the following:

- a. Reasonable and necessary medical expenses in the past;
- b. Reasonable and necessary medical expenses which, in reasonable probability, they will suffer in the future;
- c. Physical pain and mental anguish in the past;
- d. Physical pain and mental anguish which, in reasonable probability, they will suffer in the future;
- e. Physical impairment in the past;
- f. Physical impairment which, in reasonable probability, they will suffer in the future;
- g. Plaintiff Suk Pak's loss of wage-earning capacity in the past;
- h. Plaintiff Suk Pak's loss of wage-earning capacity in the future; and
- i. Plaintiff Suk Pak's disfigurement.

9. Plaintiffs damages exceed the sum of \$75,000.00. Plaintiffs seek a judgment in their favor with regard to the claims pleaded herein, including all compensatory damages, special and consequential damages necessary to make Plaintiff whole.

### **JURY DEMAND**

10. Plaintiffs respectfully request a jury trial.

**PRAYER**

WHEREFORE, Plaintiffs pray Defendants be served with process and that on final trial, the Court render judgment in favor of the Plaintiff for:

1. Actual damages;
2. All Costs of Court;
3. Both pre-judgment and post-judgment interest to the extent allowed by law and at the maximum legal rate; and
4. Such other and further relief, both general and special, at law and in equity, to which Plaintiffs may be justly entitled.

Respectfully submitted,

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By: 

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